

REMARKS

Applicant notes that an IDS reporting four US patents and one Japanese patent was filed on January 23, 2001, after the mailing date of the Office Action. Applicant requests that this IDS material be made of record in the examination of the present patent application.

Claims objected to have been amended as required. In response to the objection to the drawings, new drawings showing features described in the Application as filed are enclosed hereto. The specification is amended according to the added figures, and a typographical correction is introduced at page 2. No new matter has been added.

Applicant submits this Amendment "A" and Response for the Examiner's consideration. Reexamination and reconsideration of the application, as amended, in view of the following remarks are respectfully requested.

1. STATUS OF THE CLAIMS

Claims 1-20 were presented for examination and they stand rejected and pending in the application. Claims 3, 10, 13 and 19 were objected to because of informalities. These claims have been amended as required by the Examiner. Claims 14-17 are rejected under 35 U.S.C. § 112 ¶ 2. These claims have been amended. Claims 1-20 stand rejected under 35 U.S.C. § 103(a). These rejections are traversed below.

2. **RESPONSE TO REJECTIONS**

2.1. **Claim Objections**

Claim 10 has been amended to delete the additional “of”.

Claims 3, 10, 13, and 19 were objected to because of the presence of the term “integral”.

These claims have been amended so that the term objected to is replaced by --made from the same material--. This amendment is supported by the specification. *See, e.g.*, Application, p. 11, ll. 9-11.

2.2. **Claim Rejections Under 35 U.S.C. § 112 ¶ 2**

Dependent claims 14-17 have been amended so that the preamble is consistent with the preamble of the corresponding independent claim. Applicant respectfully submits that these amended claims comply with 35 U.S.C. § 112 ¶ 2, and reconsideration and withdrawal of this rejection is respectfully requested.

2.3. **Claim Rejections Under 35 U.S.C. § 103(a)**

Claims 1, 2, 4-8, 10-12, 14-18, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Blalock, *et al.*, U.S. Pat. No. 5,286,344 (hereinafter “Blalock”) in view of Iyer, *et al.*, U.S. Pat. No. 5,736,455 (hereinafter “Iyer”).

The present patent application is a divisional of, and claims priority to, U.S. Patent Application Serial No. 08/846,671, filed April 30, 1997. A copy of the assignment document of this parent application, recorded at the U.S. Patent and Trademark Office at reel/frame 8536/0294, is attached hereto showing assignment by the inventive entity to Micron Technology, Inc., which is listed as the assignee of Iyer. Micron Semiconductor, Inc., is listed as the assignee in Blalock. To this respect, a copy of the Certificate of Ownership which merges “Micron Semiconductor, Inc.” with and into “Micron Technology, Inc.” is attached hereto.

Given the filing date of the present application, Blalock and Iyer are disqualified under 35 U.S.C. § 103(c) from being prior art against the presently claimed invention because the subject matter disclosed in Blalock and in Iyer, and the presently claimed invention were, at the time the invention was made, commonly owned, or subject to an obligation of assignment to the same person.

For the foregoing reasons, Applicant respectfully requests the reconsideration and withdrawal of this rejection.

2.4. Second Set of Claim Rejections Under 35 U.S.C. § 103(a)

Claims 3, 9, 13, and 19 stand rejected under 35 U.S.C. § 103(a) in view of Blalock and Iyer, and further in view of Joshi, *et al.*, U.S. Pat. No. 5,084,417 (hereinafter “Joshi”).

As set forth in the foregoing subsection 2.3, Blalock and Iyer are disqualified under 35 U.S.C. § 103(c) from being prior art against the presently claimed invention. Joshi (Office Action, p. 4, *ll. 1-2*) may not support a *prima facie* case of obviousness with respect to the claimed invention because it does not satisfy criteria that are required for such a *prima facie* showing. *See, e.g.*, M.P.E.P. §§ 2142-43, p. 2100-97, 7th ed., (Rev. 1, Feb. 2000) (setting forth three basic criteria that must be met to establish a *prima facie* case of obviousness). Accordingly, Applicant respectfully requests the reconsideration and withdrawal of this rejection.

3. **CONCLUSIONS**

In view of the above, Applicant respectfully maintains that the present application is in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-20 at an early date is solicited.

In the event that the Examiner finds any remaining impediment to a prompt allowance of this application which could be clarified by a telephonic interview, or which is susceptible to being overcome by means of an Examiner's Amendment, the Examiner is respectfully requested to initiate the same with the undersigned attorney.

Dated this 19th day of April 2001.

Respectfully submitted,



Jesús Juanós i Timoneda, Ph.D.
Attorney for Applicant(s)
Registration No. 43,332

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone: (801) 533-9800
Facsimile: (801) 328-1707

G:\DATA\WPDOCS3\JJT\MICRON\1141\OAA.RES



MAIL LABEL NO. EL751309135US

PATENT APPLICATION

Docket No: 11675.114.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Kei-Yu Ko

)

)

)

)

)

)Art Unit

) 2815

Serial No. 09/579,402

Filed: May 25, 2000

For: GATE STACK STRUCTURE

Examiner: Eugene Lee

)

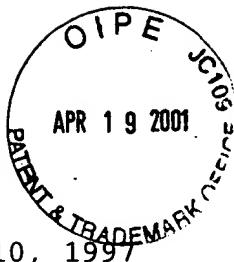
)

)

)

ATTACHMENT 1

ASSIGNMENT RECORDATION



JULY 10, 1997



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

PTAS



100429999A

WORKMAN, NYDEGGER & SEELEY
BRADLEY K. DESANDRO
1000 EAGLE GATE
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/30/1997

REEL/FRAME: 8536/0294

NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

KO, KEI-YU

DOC DATE: 04/28/1997

ASSIGNEE:

MICRON TECHNOLOGY, INC.
8000 SOUTH FEDERAL WAY
BOISE, IDAHO 83707

SERIAL NUMBER: 08846671

FILING DATE:

PATENT NUMBER:

ISSUE DATE:

DIANE RUSSELE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

APR 19 2001

REC

PATENT & TRADEMARK OFFICE

U.S. PATENT & TRADEMARK OFFICE

U.S. DEPARTMENT OF COMMERCE

Patent and Trademark Office

06-04-1997



1004299999

44-581440

TEET

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office
 6834
0884
84671
PTO

To the Honorable Commissioner of Patents and Trademarks: Please attach original documents or copy thereof.

1. Name of conveying party(ies):

Kei-Yu Ko

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of conveyance:

<input type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Other _____	

Execution Date: _____

4. Application number(s) or patent number(s):

08846671

If this document is being filed together with a new application, the execution date of the application is: April 28, 1997

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Bradley K. DeSandro
WORKMAN, NYDEGGER & SEELEY

Name: _____

Internal Address: _____

1000 Eagle Gate

Street Address: _____

60 East South Temple

Salt Lake City Utah 84111
City: _____ State: _____ ZIP: _____6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40.00

 Enclosed Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

06/03/1997 MGORDON 00000047 08846671

04 FC:581

40.00 OP

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Bradley K. DeSandro

Name of Person Signing

Signature

4

Date

Total number of pages including cover sheet, attachments, and document:

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments

Washington, D.C. 20231

WHEN RECORDED RETURN TO:

Workman, Nydegger & Seeley
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

PATENT APPLICATION
Docket No: 11675.114

68340 U.S. PRO
04/30/97
08/846671

ASSIGNMENT

I, Kei-Yu Ko of 4611 E. Rockbury Ct., Meridian, Idaho 83642, have invented a method and apparatus entitled UNDOPED SILICON DIOXIDE AS ETCH STOP FOR SELECTIVE ETCH OF DOPED SILICON DIOXIDE, hereinafter called the "invention."

Preferred embodiments of said invention are disclosed in a United States patent application executed concurrently herewith by me and now identified as File No. 11675.114 of the law firm of Workman, Nydegger & Seeley, 1000 Eagle Gate Tower, 60 East South Temple, Salt Lake City, Utah 84111, and filed in the United States Patent and Trademark Office as Serial No. 081846,671 on Apr. 130, 1997. (I hereby authorize the attorneys of Workman, Nydegger & Seeley to insert said serial number and filing date when known.)

The Assignee, Micron Technology, Inc., a corporation of the State of Delaware, having a principal place of business at 8000 South Federal Way, Boise, Idaho 83707-0006, desires to secure the entire right, title and interest in said invention.

For good and valuable consideration paid to me by the Assignee, the receipt and sufficiency of which I hereby acknowledge, I HEREBY ASSIGN TO THE ASSIGNEE:

The entire right, title and interest in said invention in the above-identified United States patent application and in all divisions, continuations and continuations-in-part of said application, or reissues or extensions of Letters Patent or Patents granted thereon, and in all corresponding applications filed in

countries foreign to the United States, and in all patents issuing thereon in the United States and Foreign countries.

The right to file foreign patent applications on said invention in its own name, wherever such right may be legally exercised, including the right to claim the benefits of the International Convention for such applications.

I hereby authorize and request the United States Commissioner of Patents and Trademarks, and such Patent Office officials in foreign countries as are duly authorized by their patent laws to issue patents, to issue any and all patents on said invention to the Assignee as the owner of the entire interest, for the sole use and behalf of the said Assignee, its successors, assigns and legal representatives.

I hereby agree, without further consideration and without expense to me, to sign all lawful papers and to perform all other lawful acts which the Assignee may request of me to make this Assignment fully effective, including, by way of example but not of limitation, the following:

Prompt execution of all original, divisional, substitute, reissue, and other United States and foreign patent applications on said invention, and all lawful documents requested by the Assignee to further the prosecution of any of such patent applications.

Cooperation to the best of my ability in the execution of all lawful documents, the production of evidence, nullification, reissue, extension, or infringement proceedings involving said invention.

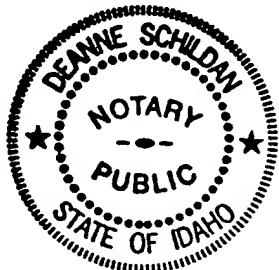
This assignment and agreement shall be binding upon my heirs and legal representatives.

Dated this 28 day of April, 1997.

Kei-Yu Ko
Kei-Yu Ko

STATE OF IDAHO)
: ss.
COUNTY OF Ada)

On April 28, 1997, before me personally appeared Kei-Yu Ko, known to me to be the person described and who signed the foregoing Assignment in my presence and acknowledged under oath before me that he has read the same and knows the contents thereof and that he executed the same as his free act and deed and for the purposes set forth therein.



Deanne Schilder
NOTARY PUBLIC
Residing at Meridian, ID

My Commission Expires:

6/27/2002

G:\DATA\WPDOCS\DF\MICRON\11675114.AS
Rev. 09/95



EXPRESS MAIL LABEL NO. EL751309135US

PATENT APPLICATION
Docket No: 11675.114.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
	Kei-Yu Ko)
)
Serial No.	09/579,402)
)
Filed:	May 25, 2000)Art Unit
) 2815
For:	GATE STACK STRUCTURE)
)
)
Examiner:	Eugene Lee)

ATTACHMENT 2

CERTIFICATE OF OWNERSHIP

State of Delaware
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF OWNERSHIP, WHICH MERGES:

"MICRON SEMICONDUCTOR, INC.", A IDAHO CORPORATION, WITH AND INTO "MICRON TECHNOLOGY, INC." UNDER THE NAME OF "MICRON TECHNOLOGY, INC.", A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, AS RECEIVED AND FILED IN THIS OFFICE THE THIRTY-FIRST DAY OF OCTOBER, A.D. 1994, AT 9 O'CLOCK A.M.



Edward J. Freel
Edward J. Freel, Secretary of State

AUTHENTICATION:

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 09:00 AM 10/31/1994
944208046 - 2032425

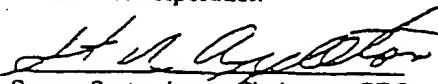
CERTIFICATE OF OWNERSHIP AND MERGER

The undersigned, Steven R. Appleton, and Cathy L. Smith, being the President and Secretary, respectively, of Micron Technology, Inc., a Delaware corporation ("Micron Technology"), hereby certify the following:

1. Micron Semiconductor, Inc. ("Micron Semiconductor") is a corporation duly organized and existing under the laws of the State of Idaho and has an authorized capital of 10,000,000 shares of common Stock, having a par value of \$0.10 per share, of which 2,143,446 shares are issued and outstanding. All of the shares of Micron Semiconductor common stock issued and outstanding are held by Micron Technology.
2. On October 27, 1994, the Micron Technology Board of Directors approved by resolution an Agreement and Plan of Merger providing for the merger of Micron Semiconductor with and into Micron Technology in accordance with the terms of Section 253 of the Delaware General Corporation Law. A copy of the resolution and accompanying Agreement and Plan of Merger are attached hereto as Exhibit "A".
3. The executed Agreement and Plan of Merger is on file at the principal place of business of the surviving corporation at 2805 East Columbia Road, Boise, Idaho 83706.

IN WITNESS WHEREOF, we have executed this Certificate on this 28th day of October, 1994 and acknowledge that the facts stated herein are true.

MICRON TECHNOLOGY, INC.,
a Delaware corporation


Steven R. Appleton, Chairman, CEO,
President

ATTEST:


Cathy L. Smith, Secretary

MICRON TECHNOLOGY, INC.
BOARD OF DIRECTORS RESOLUTIONS

Merger of Micron Semiconductor, Inc. into the Company.

RESOLVED, that the Board of Directors hereby approves and authorizes the officers of the corporation to execute an Agreement and Plan of Merger in the form attached hereto as Exhibit "A", providing for the merger of Micron Semiconductor, Inc., a wholly-owned subsidiary of the company ("Micron Semiconductor"), with and into the company, with the company to be the surviving corporation (the "Merger");

RESOLVED FURTHER, the appropriate officers are hereby authorized and directed to take all actions necessary to file with the appropriate authorities of the State of Delaware and the State of Idaho those documents necessary to effectuate the Merger, including filing a Certificate of Ownership and Merger, or copy of this resolution, with the State of Delaware, filing Articles of Merger, together with a copy of the Agreement and Plan of Merger, with the State of Idaho;

RESOLVED FURTHER, that the company hereby waives its right under Section 30-1-75 of the Idaho Business Corporation Act to receive by mail a copy of the Agreement and Plan of Merger;

RESOLVED FURTHER, that upon the effective date of the Merger, the shares of common stock of Micron Semiconductor issued and outstanding and held by the company immediately prior thereto shall, by virtue of the Merger and without any action by any person, be immediately cancelled;

RESOLVED FURTHER, that the officers of the corporation are hereby authorized to take or cause to be taken such actions and to execute and deliver such agreements, certificates, receipts, and other instruments as they may deem necessary or appropriate for the purpose of carrying out the Merger.

EXHIBIT A

AGREEMENT AND PLAN OF MERGER
OF MICRON SEMICONDUCTOR, INC., AN IDAHO CORPORATION,
AND MICRON TECHNOLOGY, INC.,
A DELAWARE CORPORATION

THIS AGREEMENT AND PLAN OF MERGER, dated as of October 27, 1994 (the "Agreement"), is between Micron Semiconductor, Inc., an Idaho corporation ("Micron Semiconductor"), and Micron Technology, Inc. a Delaware corporation ("Micron Technology"). Micron Semiconductor and Micron Technology are sometimes referred to herein as the "Constituent Corporations."

RECITALS:

A. Micron Semiconductor is a corporation duly organized and existing under the laws of the State of Idaho and has an authorized capital of 10,000,000 shares of Common Stock, having a par value of \$0.10 per share, of which 2,143,446 shares are issued and outstanding and held by Micron Technology.

B. The Boards of Directors of Micron Technology and Micron Semiconductor have determined that it is advisable that Micron Semiconductor merge with and into Micron Technology upon the terms and conditions herein provided.

C. The respective Boards of Directors of Micron Semiconductor and Micron Technology have approved this Agreement.

NOW THEREFORE, in consideration of the mutual agreements and covenants set forth herein, the Constituent Corporations hereby agree, subject to the terms and conditions hereinafter set forth, as follows:

1. MERGER

1.1 Merger. In accordance with the provisions of this Agreement, the Delaware General Corporation Law and the Idaho Business Corporation Act, Micron Semiconductor shall be merged with and into Micron Technology (the "Merger") and Micron Technology shall be, and is herein sometimes referred to as, the "Surviving Corporation."

1.2 Filing and Effectiveness. The Merger shall become effective on November 4, 1994, provided the following actions shall have been completed:

- (a) This Agreement and the Merger shall have been adopted and approved by the Board of Directors of each Constituent Corporation in accordance with the requirements of the Delaware General Corporation Law and the Idaho Business Corporation Act;
- (b) All of the conditions precedent to the consummation of the Merger specified in this Agreement shall have been satisfied or duly waived by the party entitled to satisfaction thereof;
- (c) An executed Certificate of Ownership and merger, or copy of a resolution adopted by the Micron Technology Board of Directors approving this Agreement and the Merger, meeting the requirements of the Delaware General Corporation law shall have been filed with the Secretary of State of the State of Delaware; and
- (d) Executed Articles of Merger meeting the requirements of the Idaho Business Corporation Act shall have been filed with the Secretary of State of the State of Idaho and the Secretary of State shall have issued a Certificate of Merger.

The date and time when the Merger shall become effective, as aforesaid, is herein called the "Effective Date of Merger."

1.3 Articles of Incorporation. The Articles of Incorporation of Micron Technology as in effect immediately prior to the Effective Date of Merger shall continue in full force and effect as the Articles of Incorporation of the Surviving Corporation.

1.4 Bylaws. The Bylaws of Micron Technology as in effect immediately prior to the Effective Date of Merger shall continue in full force and effect as the Bylaws of the Surviving Corporation until duly amended in accordance with the provisions thereof and applicable law.

1.5 Directors and Officers. The directors and officers of Micron Technology immediately prior to the Effective Date of Merger shall be the directors and officers of the Surviving Corporation until their successors shall have been elected and qualified or until otherwise provided by law, by the Articles of Incorporation of the Surviving Corporation, or by the Bylaws of the Surviving Corporation. The Board of the Surviving Corporation may appoint such other officers as it so determines.

1.6 Effect of Merger. Upon the Effective Date of Merger, the separate existence of Micron Semiconductor shall cease and Micron Technology, as the Surviving Corporation, (i) shall continue to possess all of its assets, rights, powers and property as constituted immediately prior to the Effective Date of Merger, shall be subject to all actions previously taken by the Micron Semiconductor Board of Directors and shall succeed, without other transfer, to all of the assets, rights, power and property of Micron Semiconductor in the manner of and as more fully set forth in the applicable provisions of the Delaware General Corporation Law and the Idaho Business Corporation Act, and (ii) shall continue to be subject to all of its debts, liabilities and obligations as constituted immediately prior to the Effective Date of Merger and shall succeed, without other transfer, to all of the debts, liabilities and obligations of Micron Semiconductor in the same manner.

as if Micron Technology had itself incurred such debts, liabilities and obligations, all as more fully provided under the applicable provisions of the Delaware General Corporation Law and the Idaho Business Corporation Act.

II. CANCELLATION OF MICRON SEMICONDUCTOR STOCK

2.1 Micron Semiconductor Common Stock. Upon the Effective Date of Merger, each share of Common Stock, \$0.10 par value per share, of Micron Semiconductor issued and outstanding immediately prior thereto shall, by virtue of the Merger and without any action by the holder of such shares or any other person, be canceled and cease to exist.

III. GENERAL

3.1 Covenants of Micron Technology. Micron Technology covenants and agrees that it will, on or before the Effective Date of Merger:

(a) File any and all documents with the tax authority of the State of Idaho necessary to the assumption by Micron Technology of all of the Idaho state tax liabilities of Micron Semiconductor.

(b) Take such other actions as may be required by the Idaho Business Corporation Act and Delaware General Corporation Law.

3.2 Abandonment. At any time before the Effective Date of Merger, this Agreement may be terminated and the Merger may be abandoned for any reason whatsoever by the Board of Directors of either Micron Technology or Micron Semiconductor or both.

3.3 Amendment. The Boards of Directors of the Constituent Corporations may amend this Agreement at any time prior to the filing of Articles of Merger with the Secretary of State of the State of Idaho.

3.4 Registered Office. The registered office of the Surviving Corporation in the State of Delaware is located at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and The Corporation Trust Company is the registered agent of the Surviving Corporation at such address.

3.5 Agreement. Executed copies of this Agreement will be on file at the principal place of business of the Surviving Corporation of 2805 East Columbia Road, Boise, Idaho 83706.

3.6 Governing Law. This Agreement shall in all respects be construed, interpreted and enforced in accordance with and governed by the laws of the State of Delaware.

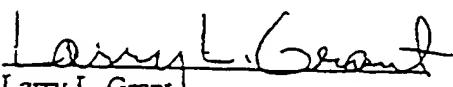
3.7 Counterparts. In order to facilitate the filing and recording of this Agreement, the same may be executed in any number of counterparts, each of which shall be deemed to be an original.

IN WITNESS WHEREOF, this Agreement, having first been approved by resolution of the Boards of Directors of Micron Technology and Micron Semiconductor, is hereby executed on behalf of each of such two corporations and attested by their respective officers thereunto duly authorized.

MICRON SEMICONDUCTOR, INC.
an Idaho corporation


Wilbur G. Stover, Jr.
Vice President, Finance; CFO

ATTEST:


Larry L. Grant
Secretary

MICRON TECHNOLOGY, INC.
a Delaware corporation


Steven R. Appleton
Chairman, CEO, President

ATTEST:


Cathy L. Smith
Secretary